

## **Fair Processing Notice**

### **City & Hackney CCG**

**3<sup>rd</sup> Floor, Block A, St Leonard's Hospital, London N1 5LZ**

Our CCG holds some information about you. This document outlines how that information is used, who we may share that information with and how we keep it secure.

### **What we do**

Our CCG is responsible for planning, buying and monitoring (also known as commissioning) health services from healthcare providers such as hospitals and GP practices for our local population to ensure the highest quality of healthcare. We also have a performance monitoring role of these services, which includes responding to any concerns from our patients on services offered.

### **How we use your information**

Our CCG holds some information about you and this document outlines how that information is used, who we may share that information with, how we keep it secure (confidential) and what your rights are in relation to this.

### **What kind of information we use?**

(The fair processing notice should specify what level of data the CCG is legally allowed to receive and for what purpose)

We use the following types of information/data:

- identifiable - containing details that identify individuals
- pseudonymised - about individuals but with identifying details (such as name or NHS number) replaced with a unique code
- anonymised - about individuals but with identifying details removed
- aggregated - anonymised information grouped together so that it doesn't identify individuals

### **What do we use anonymised data for?**

We use anonymised data to plan health care services. Specifically we use it to:

- check the quality and efficiency of the health services we commission
- Prepare performance reports on the services we commission.
- work out what illnesses people will have in the future, so we can plan and prioritise services and ensure these meet the needs of patients in the future
- review the care being provided to make sure it is of the highest standard

### **What do we use your sensitive and personal information for?**

There are some limited exceptions where we may hold and use sensitive personal information about you. For example the CCG has been required by law to perform certain services that involve the processing of sensitive personal information.

The areas where we regularly use sensitive personal information include:

- a process where you or your GP can request special treatments that is not routinely funded by the NHS, which are known as [Individual Funding Requests](#)
- assessments for [continuing healthcare](#) and appeals
- responding to your [queries, compliments or concerns](#)
- assessment and evaluation of [safeguarding](#) concerns
- where there is a provision permitting the use of sensitive personal information under specific conditions, for example to:
  - understand the local population needs and plan for future requirements, which is known as “Risk Stratification for commissioning”.
  - ensure that the CCG is billed accurately for the treatment of its patients, which is known as “invoice validation”.
  - monitor access to services, waiting times and particular aspects of care, for which the CCG is considered to be an “accredited safe haven”.

Sensitive personal information may also be used in the following cases:

- the information is necessary for your direct healthcare
- CCGs responding to patients, carers or Member of Parliament communication
- you have freely given your informed agreement (consent) for us to use your information for a specific purpose
- there is an overriding public interest in using the information e.g. in order to safeguard an individual, or to prevent a serious crime
- there is a legal requirement that will allow us to use or provide information (e.g. a formal court order).

### **Do you share my information with other organisations?**

We commission a number of organisations (both within and outside the NHS) to provide healthcare services to you. We may also share anonymised statistical information with them for the purpose of

improving local services, for example understanding how health conditions spread across our local area compared against other areas.

The law provides some NHS bodies, particularly the Health and Social Care Information Centre (NHS Digital), ways of collecting and using patient data that cannot identify a person to help Commissioners to design and procure the combination of services that best suit the population they serve.

We may also share information with NHS England and NHS Digital. If you do not want your information to be used for purposes beyond providing your care you can choose to opt-out. If you wish to do so, please inform your GP practice and they will mark your choice in your medical record. You can opt out of your data being used for some purposes. You can withdraw your opt-out choice at any time by informing your GP practice. More information is available on [NHS Digital Your personal information choices](#).

NHS Digital takes the responsibility for looking after care information very seriously. Please follow links on [how we look after information](#) for more detailed documentation.

NHS England recognises the importance of protecting personal and confidential information in all that we do, all we direct or commission, and takes care to meet its legal duties. Follow the links on the [How we use your information](#) page for more details.

**(The fair processing notice should include details of linkage with other datasets, explaining which data sets are linked (e.g. GP and SUS) and from whom the other data sets are received)**

Data may be de-identified and linked by these special bodies so that it can be used to improve health care and development and monitor NHS performance. Where data is used for these statistical purposes, stringent measures are taken to ensure individual patients cannot be identified.

When analysing current health services and proposals for developing future services it is sometimes necessary to link separate individual datasets to be able to produce a comprehensive evaluation. This may involve linking primary care GP data with other data such as secondary uses service (SUS) data (inpatient, outpatient and A&E). In some cases there may also be a need to link local datasets which could include a range of acute-based services such as radiology, physiotherapy, audiology etc, as well as mental health and community-based services such as Improving Access to Psychological Therapies (IAPT), district nursing, podiatry etc. When carrying out this analysis, the linkage of these datasets is always done using a unique identifier that does not reveal a person's identity as the CCG does not have any access to patient identifiable data.

We may also contract with other organisations to process data. These organisations are known as Data Processors. We ensure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

**[The fair processing notice should specify any third party data processor being used e.g. providing a risk stratification tool (who this is, why this is done, what level of data is being transferred for the purpose etc.)]**

Currently, the external data processors we work with include (amongst others):

- NELCSU

### **Paying Invoices**

**(What this is, why this is done, where the Controlled Environment for Finance is located etc.)**

The validation of invoices is undertaken within a controlled environment for finance within the North East London CSU (NELCSU) which is based at Clifton house, 75-77 Worship Street, London, EC2A 2DU. Invoice validation is undertaken to ensure that the CCG is paying for treatments relating to its patients only. The dedicated NECS team receives patient level information direct from the hospital providers and undertakes a number of checks to ensure that the invoice is valid and that it should be paid for by the CCG. The CCG does not receive or see any patient level information relating to these invoices.

### **Targeted Healthcare Intervention**

Where we analyse population data to provide lists of patients to GPs where a person may benefit from a targeted healthcare intervention: we call this Risk Stratification. Risk Stratification is based on research that shows a person that has a recognised history and characteristics may avoid an undesirable health outcome if the signs are recognised and a particularly action is taken early enough.

### **What are your rights?**

Where information from which you can be identified is held, you have the right to ask to:

- View this or request copies of the records by making a **subject access request**.
- request information is corrected
- have the information updated where it is no longer accurate
- ask us to stop processing information about you where we are not required to do so by law – although we will first need to explain how this may affect the care you receive

### **What safeguards are in place to ensure data that identifies me is secure?**

We only use information that may identify you in accordance with the Data Protection Act 1998. The Data Protection Act requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

Within the health sector, we also have to follow the common law duty of confidence, which means that where identifiable information about you has been given in confidence, it should be treated as confidential and only shared for the purpose of providing direct healthcare.

The [NHS Digital Code of Practice on Confidential Information](#) applies to all of our staff, and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All CCG staff are expected to make sure information is kept confidential and receive annual training on how to do this. This is monitored by the CCG and can be enforced through disciplinary procedures.

We also ensure the information we hold is kept in secure locations, restrict access to information to authorised personnel only, protect personal and confidential information held on equipment such as laptops with encryption (which masks data so that unauthorised users cannot see or make sense of it).

We ensure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

The CCG has an Executive Director responsible for protecting the confidentiality of patient information. This person is called the Caldicott Guardian.

The CCG is registered with the Information Commissioner's Office (ICO) as a data controller and collects data for a variety of purposes. A copy of the registration is available through the [ICO website](#) (search by CCG name).

### **How long do you hold confidential information for?**

All records held by the CCG will be kept for the duration specified by national guidance from the Department of Health, [NHS Records Management Code of Practice](#).

### **Gaining access to the data we hold about you**

The CCG does not directly provide health care services and therefore does not hold personal healthcare records. If you wish to have sight of, or obtain copies of your of your own personal health care records you will need to apply to your **GP Practice, the hospital or NHS Organisation** which provided your health care.

Everybody has the right to see, or have a copy, of data we hold that can identify you, with some exceptions. You do not need to give a reason to see your data, but you may be charged a fee.

If you want to access your data you must make the request in writing. Under special circumstances, some information may be withheld.

### **Your right to opt out**

**[The fair processing notice should include details of how a patient can opt out (i.e. what opting out is, any constraints to opting out, how to opt out and any impact on them (or not) of opting out etc.)]**

In some instances, you are allowed to request that your confidential information is not used beyond your own care and treatment and to have your objections considered. If your wishes cannot be followed, you will be told the reasons (including the legal basis) for that decision.

If you wish to exercise your right to opt-out, or to speak to somebody to understand what impact this may have, if any, please [contact us](#).

### **What is the right to know?**

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector.

### **What sort of information can I request?**

In theory, you can request any information that City & Hackney CCG holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Act.

### **How do I make a request for information?**

Your request must be in writing and can be either posted or emailed to

#### **FOI Team**

NHS North and East London Commissioning Support Unit

Clifton House

75-77 Worship Street

London

EC2A 2EJ

Email: [FOI@CityAndHackneyCCG.nhs.uk](mailto:FOI@CityAndHackneyCCG.nhs.uk)

For independent advice about data protection, privacy, data sharing issues and your rights you can contact:

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

[Visit the ICO website.](#)

**Complaints or questions**

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. Please contact: 0208 926 5404 / 5075 or email: [nelcsu.complaints@nhs.net](mailto:nelcsu.complaints@nhs.net)